

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of LANE HENDERSON and ARIEL  
HENDERSON, Minors.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
June 13, 2006

Petitioner-Appellee,

v

JARROD DANIEL SMITH,

Respondent-Appellant.

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No. 266728  
Ingham Circuit Court  
Family Division  
LC No. 00-055272-NA

Before: Kelly, P.J., and Markey and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In respondent's brief, he briefly addresses MCL 712A.19b(3)(g). However, in his statement of questions presented, he raises only the issue of whether the trial court clearly erred in terminating his parental rights by not considering the best interests of the children and does not include any of the above statutory grounds. Accordingly, this argument is not properly before this Court. MCR 7.212(C)(5); *Preston v Dep't of Treasury*, 190 Mich App 491, 498; 476 NW2d 445 (1991). Moreover, the issue was given only cursory treatment in respondent's appellate brief. *Mudge v Macomb Co*, 458 Mich 87, 105; 580 NW2d 845 (1998). Therefore, this argument is abandoned.

Once petitioner has established at least one statutory ground for termination by clear and convincing evidence, the trial court is required to terminate parental rights unless the court determines that termination is clearly not in the children's best interests. *In re Trejo*, 462 Mich 341, 353, 355; 612 NW2d 407 (2000). There is no specific burden on either party to present evidence of the children's best interests; rather, the trial court should weigh all evidence available. *Id.* at 354. This Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). In applying the clearly erroneous standard, this Court recognizes the special opportunity the trial court has to

assess the witnesses' credibility. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Respondent argues that the trial court erred by not considering evidence such as his visits with the children, his involvement in the children's schooling, and his emotional bond with the children. Although respondent loved his children and occasionally visited them, there was testimony that respondent was not able to parent the minor children or provide proper care for them. There was also testimony that there was likelihood that the children would be harmed if returned to respondent's care. The trial court did not clearly err in its best interests determination.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Jane E. Markey

/s/ Patrick M. Meter